

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

THE STATE OF TEXAS, et al.,	§	
	§	
Plaintiffs,	§	
v.	§	Civil Action No. 4:20-cv-00957-SDJ
	§	
GOOGLE LLC,	§	
	§	
Defendant.	§	

STIPULATION AND PROPOSED ORDER FOR REPRODUCTION OF DISCOVERY

This stipulation and proposed order is entered into by Plaintiffs and Defendant Google LLC. It is stipulated and agreed by Plaintiffs and Google, and ordered by the Court, that:

- (1) The materials produced by and deposition testimony of: (a) non-parties in *United States v. Google LLC*, No. 1:23-cv-00108 (E.D. Va.) (the “EDVA Action”) and in the DOJ’s related pre-suit investigation of Google’s display ads business, and (b) parties and non-parties in *In re: Google Digital Advertising Antitrust Litigation*, No. 1:21-md-03010 (S.D.N.Y.) (the “MDL Action”) (collectively, the “Materials”) are relevant and proportional to the parties’ claims and defenses in this case under this District’s standard. *See* Local Rule CV-26 ; *E-Contact Techs., LLC v. Apple, Inc.*, No. 1:12-CV-471-LED-KFG, 2013 WL 12143967, at *2 (E.D. Tex. Feb. 6, 2013) (citing Local Rule CV-26(d)); ECF No. 476.
- (2) Subject to and consistent with the Modified Protective Order in the EDVA Action and the Modified Confidentiality Order in the MDL Action (collectively, the “Confidentiality Orders”), Google shall reproduce in this case any Materials not previously produced to Plaintiffs in this case. To the extent any of the Materials

were designated as “Confidential” or “Highly Confidential” under either of the Confidentiality Orders, they shall be treated as “Confidential” or “Highly Confidential,” as designated, under the confidentiality order governing this case. *See* ECF No. 182.

- (3) Any EDVA Non-Party, MDL Party, or MDL Non-Party that wishes to object to the reproduction of its Materials in this case shall seek a protective order from this Court within seven days of Google’s service of this Order on it. If no such protective order is sought or if a protective order is sought and denied, the parties will be able to use and rely on the Materials in this case. Any reproductions of the Materials shall be made within five business days of the above-described seven-day period or, if applicable, within five business days of the denial of a motion for protective order. *See* EDVA Modified Protective Order, Dkt. 203, ¶¶ 25–27; MDL Modified Confidentiality Order, Dkt. 685, ¶¶ 25–27.
- (4) All the Materials reproduced to Plaintiffs can be used by any party in this case as if they were reproduced before the close of fact discovery in this case.

It is so stipulated, through parties’ respective counsel, and Ordered by the Court on this ____ day of May, 2024.

Sean D. Jordan
United States District Judge

Dated: May 28, 2024

/s/ W. Mark Lanier (by permission)

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CERTIFICATE OF SERVICE

I certify that, on May 28, 2024, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A).

/s/ R. Paul Yetter
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